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SENSITIVE, SIPDIS

STATE PLEASE PASS TO DORIS HAYWOOD, EEB/TRA/OTP, AND
JEFFERY FREDERICK, PM/ISO

E.O. 12958: N/A

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SUBJECT: ITALIAN DEMARCHE RESPONSE ON SRMS/SECURITY TEAMS
ABOARD MERCHANT VESSELS

REF: STATE 45331

¶1. (SBU) Post delivered the demarche on Arms/Security Teams aboard Merchant Vessels to Massimo Marotti, the NATO director at the Ministry of Foreign Affairs. Below are the answers provided by Mr. Marotti. He stressed, however, that this information should be considered to be preliminary and not definitive. For a definitive response, Marotti said he would need to gather people from a number of GOI agencies to study the issue, and that to do this he would need an official USG request in writing. Please notify Post if additional information is necessary.

The point of contact at post for this issue is Allyson Algeo, algeoa@state.gov.

¶2. (SBU) Question 1. If a vessel were to employ an armed security team on board to prevent pirate attacks, or if the crew were to have arms, would there be any restrictions or special procedures for a vessel entering or departing the port with weapons onboard?

Response: There would definitely be restrictions and special procedures. Absent a general, overarching agreement this would have to be handled/approved on a case-by-case basis. For example, there are circumstances under which regulations allow cruise ships to have armed personnel aboard, but this is governed by regulations. In addition, the arms must remain on the ship. An unregulated armed presence would not be permitted.

¶3. (SBU) Question 2. If a vessel armed security team or vessel crew members were to enter the country with weapons via air carrier or other transportation mode in order to board an outbound ship, would there be any restrictions or special procedures?

Response: There would certainly be special procedures, and these would depend on many facts -- the size of the team, the type of weapons, the country in which the transportation originated, the licensing of the team. Marotti said he would need more specific parameters to give more information. The answer to this question could also differ depending on the area of the country in which the team was traveling and the mode of transport.

¶4. (SBU) Question 3. Are the answers to questions (1) and (2) different if the security team is governmental or private? What if the armed personnel are vessel crew members?

Response: Liability issues would likely differ if the team were governmental or private.

¶5. (SBU) Question 4. Do your answers to these questions vary on whether the government security team is military or civilian?

Response: The Ministry of Defense would likely have a say in the matter if the team were military, and then the "presence ceiling" could come into play. It would likely be easier with a civilian law enforcement or security team, rather than a military team. Procedures could also differ if the team needed to overnight in country, rather than proceed from one mode of transport to another.

¶6. (SBU) Question 5. What about anyone (pirate suspects) detained by such crews or armed security teams in territorial waters? What would national law dictate regarding disposition of said persons?

Response: Mr. Marotti believes there are already Interpol rules and other regulations governing the transport/transit of detainees that would be used in this situation, though he is not certain of the specifics. The local authorities would also likely have to be notified and be given assurances that the detainee was being held according to the standards of Italian prisons, that the level of care was adequate, that there was a provision for medical care, etc.

It is also possible that local judges would have the power to investigate the situation to ensure there was no danger to public health or safety, to ensure no human rights were violated and that there was no human trafficking.

¶7. (SBU) Question 6. Which agencies within your government are responsible for such issues?

Response: The Ministry of the Interior, the Ministry of Justice, the Ministry of Defense, Port Authorities, the Ministry of Foreign Affairs, possibly the Coast Guard, Prefects (officials appointed by the central government to

the provinces and having responsibility for public safety), as well as other provincial or local authorities might all have some level of jurisdiction.

¶8. (SBU) Finally, given all of the variables and complicating factors, Marotti said that a government-to-government agreement specifically regarding this situation might be necessary.

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